

ASSEMBLY BILL

No. 132

**Introduced by Assembly Member Mendoza
(Principal coauthor: Assembly Member Huffman)**

January 20, 2009

An act to amend Section 32282 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 132, as introduced, Mendoza. School safety: immigration investigations.

(1) Existing law requires each school district and county office of education to be responsible for the overall development of all comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. Safety plans are required to include specified elements, including, but not limited to, procedures for safe ingress and egress of pupils, parents, and school employees to and from school, the rules and procedures on school discipline, and a discrimination and harassment policy.

This bill would require that school safety plans include procedures to address immigration investigations on school grounds, including, but not necessarily limited to, issues relating to the safety and well-being of pupils and their parents. The bill also would delete an obsolete cross-reference. Because this bill would require school districts and county offices of education to revise school safety plans to include additional elements, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32282 of the Education Code is amended
2 to read:
3 32282. (a) The comprehensive school safety plan shall include,
4 but not *necessarily* be limited to, both of the following:
5 (1) Assessing the current status of school crime committed on
6 school campuses and at school-related functions.
7 (2) Identifying appropriate strategies and programs that will
8 provide or maintain a high level of school safety and address the
9 school's procedures for complying with existing laws related to
10 school safety, which shall include the development of all of the
11 following:
12 (A) Child abuse reporting procedures consistent with Article
13 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the
14 Penal Code.
15 (B) Disaster procedures, routine and emergency, including
16 adaptations for pupils with disabilities in accordance with the
17 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101
18 et seq.). The disaster procedures shall also include, but not
19 *necessarily* be limited to, both of the following:
20 (i) Establishing an earthquake emergency procedure system in
21 every public school building having an occupant capacity of 50
22 or more pupils or more than one classroom. A district or county
23 office may work with the ~~Office of California Emergency Services~~
24 ~~Management Agency~~ and the Seismic Safety Commission to
25 develop and establish the earthquake emergency procedure system.
26 The system shall include, but not *necessarily* be limited to, all of
27 the following:
28 (I) A school building disaster plan, ready for implementation
29 at any time, for maintaining the safety and care of pupils and staff.
30 (II) A drop procedure whereby each pupil and staff member
31 takes cover under a table or desk, dropping to his or her knees,

1 with the head protected by the arms, and the back to the windows.
2 A drop procedure practice shall be held at least once each school
3 quarter in elementary schools and at least once ~~a~~ *each* semester in
4 secondary schools.

5 (III) Protective measures to be taken before, during, and
6 following an earthquake.

7 (IV) A program to ensure that pupils and both the certificated
8 and classified staff are aware of, and properly trained in, the
9 earthquake emergency procedure system.

10 (ii) Establishing a procedure to allow a public agency, including
11 the American Red Cross, to use school buildings, grounds, and
12 equipment for mass care and welfare shelters during disasters or
13 other emergencies affecting the public health and welfare. The
14 district or county office shall cooperate with the public agency in
15 furnishing and maintaining the services as the district or county
16 office may deem necessary to meet the needs of the community.

17 (C) Policies pursuant to subdivision (d) of Section 48915 for
18 pupils who committed an act listed in subdivision (c) of Section
19 48915 and other school-designated serious acts which would lead
20 to suspension, expulsion, or mandatory expulsion recommendations
21 pursuant to Article 1 (commencing with Section 48900) of Chapter
22 6 of Part 27 of *Division 4 of Title 2*.

23 (D) Procedures to notify teachers of dangerous pupils pursuant
24 to Section 49079.

25 (E) A discrimination and harassment policy consistent with the
26 prohibition against discrimination contained in Chapter 2
27 (commencing with Section 200) of Part 1.

28 (F) The provisions of any schoolwide dress code, pursuant to
29 Section 35183, that prohibits pupils from wearing “gang-related
30 apparel,” if the school has adopted that type of a dress code. For
31 those purposes, the comprehensive school safety plan shall define
32 “gang-related apparel.” The definition shall be limited to apparel
33 that, if worn or displayed on a school campus, reasonably could
34 be determined to threaten the health and safety of the school
35 environment. Any schoolwide dress code established pursuant to
36 this section and Section 35183 shall be enforced on the school
37 campus and at any school-sponsored activity by the principal of
38 the school or the person designated by the principal. For the
39 purposes of this paragraph, “gang-related apparel” shall not be
40 considered a protected form of speech pursuant to Section 48950.

1 (G) Procedures for safe ingress and egress of pupils, parents,
2 and school employees to and from school.

3 (H) A safe and orderly environment conducive to learning at
4 the school.

5 (I) The rules and procedures on school discipline adopted
6 pursuant to Sections 35291 and 35291.5.

7 ~~(J) Hate crime reporting procedures pursuant to Chapter 1.2~~
8 ~~(commencing with Section 628) of Title 15 of Part 1 of the Penal~~
9 ~~Code.~~

10 *(J) Procedures to address immigration investigations on school*
11 *grounds, including, but not necessarily limited to, issues relating*
12 *to the safety and well-being of pupils and their parents,*
13 *communication with immigration officials, and access to pupil*
14 *records. In developing these procedures, the Superintendent shall*
15 *confer with the Attorney General to ensure that the procedures*
16 *comply with all state and federal laws.*

17 (b) It is the intent of the Legislature that schools develop
18 comprehensive school safety plans using existing resources,
19 including the materials and services of the partnership, pursuant
20 to this chapter. It is also the intent of the Legislature that schools
21 use the handbook developed and distributed by the School/Law
22 Enforcement Partnership Program entitled “Safe Schools: A
23 Planning Guide for Action” in conjunction with developing their
24 plan for school safety.

25 (c) Grants to assist schools in implementing their comprehensive
26 school safety plan shall be made available through the partnership
27 as authorized by Section 32285.

28 (d) Each schoolsite council or school safety planning committee
29 in developing and updating a comprehensive school safety plan
30 shall, where practical, consult, cooperate, and coordinate with
31 other schoolsite councils or school safety planning committees.

32 (e) The comprehensive school safety plan may be evaluated and
33 amended, as needed, by the school safety planning committee, but
34 shall be evaluated at least once *a each school year*, to ensure that
35 the comprehensive school safety plan is properly implemented.
36 An updated file of all safety-related plans and materials shall be
37 readily available for inspection by the public.

38 (f) The comprehensive school safety plan, as written and updated
39 by the schoolsite council or school safety planning committee,

1 shall be submitted for approval under subdivision (a) of Section
2 32288.

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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